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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 17 March 2006 from the Permanent Mission of Nepal to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Kingdom of Nepal to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) and, with reference to the latter's letter dated 23 February 2006, has the honour to forward herewith Nepal's preliminary report on the implementation of Security Council resolution 1540 (2004) (see annex).

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Annex to the note verbale dated 17 March 2006 from the Permanent Mission of Nepal to the United Nations addressed to the Chairman of the Committee

Nepal's preliminary report on the implementation of Security Council resolution 1540 (2004)

Introduction

This preliminary report has been submitted in pursuance of paragraph 4 of Security Council resolution 1540 (2004), concerning measures for the non-proliferation of weapons of mass destruction (WMD).

Nepal's efforts to combat terrorism

Nepal firmly believes that terrorism is a serious threat to peace, security, stability and democracy. It is our view that the tactic of terror can never be an instrument to further political objectives, nor can there be any double standard and selected approach to deal with this global scourge. We strongly condemn terrorism in all its forms and manifestations, wherever, whenever and by whomsoever they are being carried out on any pretext.

Nepal is a party to six international conventions relating to terrorism and has signed a seventh convention, and advocates for an early conclusion of a Comprehensive Convention on International Terrorism. At the regional level, we are also a party to SAARC Convention on Suppression of Terrorism, 1987 and the Additional Protocol to the Convention. While we are willing to work with fellow member countries in supporting the United Nations in the fight against terrorism, we look forward to the early entry into force of the International Convention for the Suppression of Acts of Nuclear Terrorism. Nepal has enacted various laws in keeping with the spirit of the Security Council Resolution 1373 (2001) as well as the exigencies arising out of the compulsions to safeguard the interest of the country and countrymen in the face of the ongoing insurgency in the country. As such the Terrorism and Disruptive Activities Control and Punishment Act, 2002 is specifically targeted at controlling and combating terrorism in all its aspects.

Nepal has already become party to the following anti-terrorism conventions, and is considering joining the remaining ones as soon as possible.

1. Convention on Offences and Certain Other Acts Committed on Board Aircraft, 1970.

2. Convention for the Suppression of Unlawful Seizure of Aircraft, 1970.

3. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, 1971.

4. Convention on the Prevention and Punishment of Crimes against International Protected Persons, including Diplomatic Agents, 1973.

5. Convention Against the Taking of Hostages, 1979.

6. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1988.

7. International Convention for the Suppression of Terrorist Bombings, 1997.[1]

Weapons of Mass Destruction (WMD) and domestic legislation

Nepal strongly feels that the existence of weapons of mass destruction, specifically nuclear weapons, remains a major threat to peace and security affecting the entire humanity in a manner never witnessed before. It is particularly so in view of the increased risk of such weapons falling into the hands of non-state actors, who may use them at the slightest provocation, causing casualties of a catastrophic magnitude. Consistent with its full commitment to the need for complete and general disarmament in particular nuclear disarmament, including biological and chemical weapons, Nepal has always called for their phased elimination with a timeline. Nepal is a party to the Nuclear Non-Proliferation Treaty (NPT), and has also signed the Comprehensive Test Ban Treaty (CTBT). It has ratified the Convention on the Prohibition of the Development, Production, Stockpiling and use of Chemical Weapons and their Destruction (CWC) and earnestly hopes to see the negotiation on a Fissile Material Cut-Off Treaty (FMCT) to come to an early conclusion. Nepal is fully aware of its responsibility to act in

[1] Nepal is a signatory to the Convention.

accordance with the objectives of non-proliferation of WMD to terrorist outfits, and in that context, it sincerely believes that there is a need to work concertedly to strengthen the implementation of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (BMW) with comprehensive, reliable and robust verification measures.

It is disconcerting that, over the last few years, multilateral disarmament mechanisms have not made any tangible progress, which has made it difficult to work towards achieving the objectives of non-proliferation of WMD. Hence, Nepal feels that a consensual framework to enhance cooperation in the field of disarmament and arms control through multilateral forums has become more important than ever before.

Nepal is free from all types of WMD and their delivery system. It does not produce, manufacture, possess, import or export biological, chemical or nuclear weapons. Although, so far, we do not have laws specifically targeting non-proliferation of WMD, there are already some domestic legislations in place that address, in one way or another, the issues concerning it. The Constitution of the Kingdom of Nepal, 2047 (1990), Muluki Ain (the National Civil Code), the Public Security Act, 2046 (1989), Some Public (Crime and Punishment) Act 2027 (1970), Local Administration Act, 2028 (1971), the Immigration Act, 2049 (1992), the Explosives Act, 2018 (1961), Spy Act, 2018 (1961), the Export-Import Control Act, 2013 (1956) and the Arms and Ammunition Act, 2019 (1962) are some of the existing laws and regulations that deal with the questions with regard to resolution 1540 (2004), to a certain extent. Furthermore, the Terrorism and Disruptive Activities Control and Punishment Act, 2002 contains a number of provisions to tighten the noose on terrorist activities.[2]

It is worth noting here that section 9 (1) of Nepal Treaty Act, 1990 provides that if any provision of a treaty to which the Kingdom of Nepal or His Majesty's Government of Nepal has become a party upon ratification or accession by parliament is inconsistent with any provision of the prevailing laws, such provision of the law shall be void to the extent of such

[2] Unofficial English translation of some of the laws and regulations have been submitted to the 1373 (2001) and 1267 (1999) Committees.

inconsistency for the purpose of the said treaty, and the provision of the treaty shall prevail. New measures are thus under consideration in the spirit of the above act for the effective implementation of the provisions under resolution 1540 (2004).

Nepal has signed, but is yet to ratify, the UN Convention against Transnational Organized Crime and the UN Convention against Corruption. The ratification process is delayed due to the absence of the parliament for some time now.

Nepal, while assuring the international community of its full co-operation in preventing terrorist from acquiring WMD, wishes to put on record its commitment to abide by the applicable provisions of resolution 1540 (2004) and work as a willing partner in making the world a safer place in which we all can live in dignity and without fear.